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2025 Rhode Island General Laws
Title 21 - Food and Drugs
Chapter 21-28.6 The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act
Section 21-28.6-4. Protections for the medical use of marijuana.

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§ 21-28.6-4. Protections for the medical use of marijuana.

(a) A qualifying patient cardholder who has in his or her possession a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, solely for the medical use of medical marijuana; provided that the qualifying patient cardholder possesses an amount of medical marijuana that does not exceed twelve (12) mature marijuana plants and twelve (12) immature marijuana plants that are accompanied by valid medical marijuana plant tags, two and one-half ounces (2.5 oz.) of dried medical marijuana, or its equivalent amount which satisfies the requirements of this chapter, and an amount of wet medical marijuana to be set by regulations promulgated by the

department of business regulation. The plants shall be stored in an indoor facility. Marijuana plants and the marijuana they produce shall only be grown, stored, manufactured, and processed in accordance with regulations promulgated by the department of business regulation;

(b) An authorized purchaser who has in his or her possession a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the possession of medical marijuana; provided that the authorized purchaser possesses an amount of medical marijuana that does not exceed two and one-half (2.5) ounces of usable marijuana, or its equivalent amount, and this medical marijuana was purchased legally from a compassion center for the use of their designated qualifying patient.

(c) A qualifying patient cardholder, who has in his or her possession a registry identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for selling, giving, or distributing, on or before December 31, 2016, to a compassion center cardholder, medical marijuana of the type and in an amount not to exceed that set forth in subsection (a) that he or she has cultivated or manufactured pursuant to this chapter.

(d) No school or landlord may refuse to enroll, or lease to, or otherwise penalize, a person solely for his or her status as a cardholder. Provided, however, due to the safety and welfare concern for other tenants, the property, and the public, as a whole, a landlord may have the discretion not to lease, or continue to lease, to a cardholder who cultivates, manufactures, processes, smokes, or vaporizes medical marijuana in the leased premises.

(e) No employer may refuse to employ, or otherwise penalize, a person solely for his or her status as a cardholder, except:

(1) To the extent employer action is taken with respect to such person's:

(i) Use or possession of marijuana or being under the influence of marijuana in any workplace;

(ii) Undertaking a task under the influence of marijuana when doing so would constitute negligence or professional malpractice or jeopardize workplace safety;

(iii) Operation, navigation, or actual physical control of any motor vehicle or other transport vehicle, aircraft, motorboat, machinery or equipment, or firearms while under the influence of marijuana; or

(iv) Violation of employment conditions pursuant to the terms of a collective bargaining agreement; or

(2) Where the employer is a federal contractor or otherwise subject to federal law such that failure of the employer to take such action against the employee would cause the employer to lose a monetary or licensing related benefit.

(f) A primary caregiver cardholder, who has in his or her possession a registry identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for assisting a patient cardholder, to whom he or she is connected through the department of health or department of business regulation's registration process, with the medical use of medical marijuana; provided, that the primary caregiver cardholder possesses an amount of marijuana that does not exceed twelve (12) mature marijuana plants that are accompanied by valid medical marijuana tags, two and one-half (2.5) ounces of usable marijuana, or its equivalent amount, and an amount of wet marijuana set in regulations promulgated by the departments of health and business regulation for each qualified patient cardholder to whom he or she is connected through the department of health's registration process.

(g) A qualifying patient cardholder shall be allowed to possess a reasonable amount of unusable marijuana, including up to twelve (12) immature marijuana plants that are accompanied by valid medical marijuana tags. A primary caregiver cardholder shall be allowed to possess a reasonable amount of unusable marijuana, including up to twenty-four (24) immature marijuana plants that are accompanied by valid medical marijuana tags and an amount of wet marijuana set in regulations promulgated by the departments of health and business regulation.

(h) There shall exist a presumption that a cardholder is engaged in the medical use of marijuana if the cardholder:

(1) Is in possession of a registry identification card; and

(2) Is in possession of an amount of marijuana that does not exceed the amount permitted under this chapter. Such presumption may be rebutted by evidence that conduct related to

marijuana was not for the purpose of alleviating the qualifying patient's debilitating medical condition or symptoms associated with the medical condition.

(i) A primary caregiver cardholder may receive reimbursement for costs associated with assisting a qualifying patient cardholder's medical use of marijuana. A primary caregiver cardholder may only receive reimbursement for the actual costs of goods, materials, services or utilities for which they have incurred expenses. A primary caregiver may not receive reimbursement or compensation for his or her time, knowledge, or expertise. Compensation shall not constitute sale of controlled substances under state law. The department of business regulation may promulgate regulations for the documentation and tracking of reimbursements and the transfer of medical marijuana between primary caregivers and their registered patients.

(j) A primary caregiver cardholder, who has in his or her possession a registry identification card, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for selling, giving, or distributing, on or before December 31, 2016, to a compassion center cardholder, marijuana, of the type, and in an amount not to exceed that set forth in subsection (f), if:

(1) The primary caregiver cardholder cultivated the marijuana pursuant to this chapter, not to exceed the limits of subsection (f); and

(2) Each qualifying patient cardholder the primary caregiver cardholder is connected with through the department of health's registration process has been provided an adequate amount of the marijuana to meet his or her medical needs, not to exceed the limits of subsection (a).

(k) A practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by the Rhode Island board of medical licensure and discipline, or an employer or occupational or professional licensing board or bureau solely for providing written certifications in accordance with this chapter and regulations promulgated by the department of health, or for otherwise stating that, in the practitioner's professional opinion, the potential benefits of the medical marijuana would likely outweigh the health risks for a patient.

(l) Any interest in, or right to, property that is possessed, owned, or used in connection with the lawful medical use of marijuana, or acts incidental to such use, shall not be

forfeited.

(m) No person shall be subject to arrest or prosecution for constructive possession, conspiracy, aiding and abetting, being an accessory, or any other offense, for simply being in the presence or vicinity of the medical use of marijuana as permitted under this chapter, or for assisting a qualifying patient cardholder with using or administering marijuana.

(n) A practitioner, licensed with authority to prescribe drugs pursuant to chapters 34, 37, and 54 of title 5, or pharmacist, licensed under chapter 19.1 of title 5, or certified school nurse teacher, shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including, but not limited to, civil penalty or disciplinary action by an employer or occupational or professional licensing board or bureau solely for:

(1) Discussing the benefits or health risks of medical marijuana or its interaction with other substances with a patient; or

(2) Administering a non-smokable and non-vaporized form of medical marijuana in a school setting to a qualified patient registered in accordance with this chapter.

(o) A qualifying patient or primary caregiver registry identification card, or its equivalent, issued under the laws of another state, U.S. territory, or the District of Columbia, to permit the medical use of marijuana by a patient with a debilitating medical condition, or to permit a person to assist with the medical use of marijuana by a patient with a debilitating medical condition, shall have the same force and effect as a registry identification card.

(p) Notwithstanding the provisions of subsection (f), no primary caregiver cardholder shall possess an amount of marijuana in excess of twenty-four (24) mature marijuana plants that are accompanied by valid medical marijuana tags and five ounces (5 oz.) of usable marijuana, or its equivalent, and an amount of wet medical marijuana set in regulations promulgated by the departments of health and business regulation for patient cardholders to whom he or she is connected through the department of health and/or department of business regulation registration process.

(q) A qualifying patient or primary caregiver cardholder may give marijuana to another qualifying patient or primary caregiver cardholder to whom they are not connected by the department's registration process, provided that no consideration is paid for the marijuana, and that the recipient does not exceed the limits specified in this section.

(r) Qualifying patient cardholders and primary caregiver cardholders electing to grow marijuana shall only grow at one premises, and this premises shall be registered with the

department of business regulation. Except for licensed compassion centers, and licensed cooperative cultivations, and licensed cultivators, no more than twenty-four (24) mature marijuana plants that are accompanied by valid medical marijuana tags shall be grown or otherwise located at any one dwelling unit or commercial unit. The number of qualifying patients or primary caregivers residing, owning, renting, growing, or otherwise operating at a dwelling or commercial unit does not affect this limit. The department of business regulation shall promulgate regulations to enforce this provision.

(s) For the purposes of medical care, including organ transplants, a patient cardholder's authorized use of marijuana shall be considered the equivalent of the authorized use of any other medication used at the direction of a physician, and shall not constitute the use of an illicit substance.

(t) Notwithstanding any other provisions of the general laws, the manufacture of marijuana using a solvent extraction process that includes the use of a compressed, flammable gas as a solvent by a patient cardholder or primary caregiver cardholder shall not be subject to the protections of this chapter.

(u) Notwithstanding any provisions to the contrary, nothing in this chapter or the general laws shall restrict or otherwise affect the manufacturing, distribution, transportation, sale, prescribing, and dispensing of a product that has been approved for marketing as a prescription medication by the U.S. Food and Drug Administration and legally prescribed, nor shall hemp, in accordance with chapter 26 of title 2, be defined as marijuana or marihuana pursuant to this chapter, chapter 28 of this title or elsewhere in the general laws.

History of Section.
P.L. 2005, ch. 442, § 1; P.L. 2005, ch. 443, § 1; P.L. 2007, ch. 72, § 1; P.L. 2007, ch. 495, § 1; P.L. 2009, ch. 16, § 1; P.L. 2009, ch. 17, § 1; P.L. 2012, ch. 88, § 1; P.L. 2012, ch. 118, § 1; P.L. 2014, ch. 515, § 2; P.L. 2016, ch. 142, art. 14, § 1; P.L. 2018, ch. 47, art. 14, § 1; P.L. 2019, ch. 88, art. 15, § 5.

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